

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

RMAIL LIMITED,

Plaintiff,

v.

AMAZON.COM, INC.,
PAYPAL, and SOCIETY FOR WORLDWIDE
INTERBANK FINANCIAL
TELECOMMUNICATION SCRL D/B/A
SWIFT,

Defendants.

CASE NO. 2:10-CV-258-JRG
LEAD CASE

RPOST HOLDINGS, INC., RPOST
INTERNATIONAL LIMITED, and RMAIL
LIMITED,

Plaintiffs,

v.

READNOTIFY.COM PTY LTD., CHRIS
DRAKE, and SILICON VALLEY WEB
HOSTING, INC.,

Defendants.

CASE NO. 2:11-cv-16-JRG

RPOST HOLDINGS, INC., RPOST
INTERNATIONAL LIMITED, and RMAIL
LIMITED,

Plaintiffs,

v.

ZIX CORPORATION,
Defendants.

CASE NO. 2:11-cv-64-JRG

RMAIL LIMITED, RPOST
COMMUNICATIONS LIMITED, and RPOST
HOLDINGS, INC.,

Plaintiffs,

v.

DOCUSIGN, INC.,

Defendant.

CASE NO. 2:11-cv-299-JRG-RSP

RMAIL LIMITED, RPOST
COMMUNICATIONS LIMITED, and RPOST
HOLDINGS, INC.,

Plaintiffs,

v.

RIGHT SIGNATURE, LLC, FARMERS
GROUP, INC., and FARMERS INSURANCE
COMPANY, INC.,

Defendants.

CASE NO. 2:11-cv-300-JRG-RSP

RPOST HOLDINGS, INC., RPOST
COMMUNICATIONS LIMITED, and RMAIL
LIMITED,

Plaintiffs,

v.

ADOBE SYSTEMS INCORPORATED and
ECHOSIGN, INC.

Defendants.

CASE NO. 2:11-cv-325-JRG-RSP

JOINT MOTION FOR PAGE LIMITS FOR CLAIM CONSTRUCTION BRIEFING

The parties to the above-titled actions hereby file this Joint Motion for Page Limits for Claim Construction Briefing. The patents involved in this case are U.S. Patent No. 6,182,219 B1 and C1 (collectively, “the ’219 Patent”); and U.S. Patent No. 6,571,334 C1 (“the ’334 Patent”) (collectively, “the Feldbau patents”). Also involved are U.S. Patent No. 7,707,624 (“the ’624 Patent”); U.S. Patent No. 7,865,557 B2 (“the ’557 Patent”); and U.S. Patent No. 7,966,372 (“the ’372 Patent”) (collectively, “the Tomkow patents”). As noted in the parties Joint Claim Construction Statement (Dkt. No. 211), rather than filing individual briefs, the parties in the member cases have jointly agreed to consolidate much of their briefing, in a way that will minimize the number of pages submitted to the Court while providing each party with the opportunity to be heard. In this case, unlike the typical consolidated case, the defendants in each of the different cases face varying numbers and groups of patents-at-issue. In some cases, just a single patent in one patent family is asserted; in other cases, multiple patents from multiple families are asserted. In addition, different groupings of plaintiffs are involved in the different cases. Consequently, the parties on both sides have worked together to arrive at a briefing structure that balances the needs of different defendants to address the issues at stake in their particular cases, and provides the plaintiffs adequate space to address the issues overall. The parties respectfully request that the Court therefore enter the following claim construction briefing page limitations in the consolidated actions captioned above:

- a. Plaintiffs will file an Opening brief not to exceed thirty (45) pages on claim construction issues in the Feldbau patents (the ’219 and ’334 Patents);
- b. Plaintiffs will file a brief not to exceed thirty (30) pages on claim construction issues in the Tomkow patents (the ’624, ’557, and ’372 Patents);
- c. Defendants will file a brief not to exceed forty-five (45) pages on claim construction

issues in the Feldbau patents (the '219 and '334 Patents);

- d. Defendants will file a brief not to exceed thirty (30) pages on claim construction issues in the Tomkow patents (the '624, '557, and '372 Patents);
- e. Any Defendant may file a Supplemental Response Brief of not more than five (5) pages;
- f. Plaintiffs will file a Reply brief not to exceed fifteen (15) pages on claim construction issues in the Feldbau patents (the '219 and '334 Patents); and
- g. Plaintiffs will file a Reply brief not to exceed fifteen (15) pages on claim construction issues in the Tomkow patents (the '624, '557, and '372 Patents);

The parties to the above-titled actions respectfully request that the Court grant this Joint Motion for Page Extension for Claim Construction Briefing. Attached is a proposed Order for the Court's use.

Dated: December 20, 2012

Respectfully submitted,

/s/ Robert P. Greenspoon
Robert P. Greenspoon (*admitted pro hac vice*)
rpg@fg-law.com
FLACHSBART & GREENSPOON, LLC
333 N. Michigan Ave., 27th Floor
Chicago, IL 60601
Tel: 312-551-9500
Fax: 312-551-9501

Kenneth C. Goolsby
Texas Bar No. 24003668
casey.goolsby@boonlaw.com
BOON, SHAVER, ECHOLS,
COLEMAN & GOOLSBY, PLLC
1800 NW Loop 281, Suite 310
Longview, TX 75604
Tel: 903-759-2200

/s/ James E. Geringer
James E. Geringer (OR Bar No. 951783)
james.geringer@klarquist.com
Salumeh R. Loesch (OR Bar No. 090074)
salumeh.loesch@klarquist.com
John D. Vandenberg (OR Bar No. 893755)
john.vandenberg@klarquist.com
KLARQUIST SPARKMAN, LLP
121 S.W. Salmon Street, Suite 1600
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

Jennifer Parker Ainsworth
Texas Bar No. 00784720
jainsworth@wilsonlawfirm.com
WILSON, ROBERTSON & CORNELIUS, P.C.

Fax: 903-759-3306

Attorneys for Plaintiff, RMail Limited

One American Center
909 ESE Loop 323, Suite 400
P.O. Box 7339 [75711]
Tyler, Texas 75701
Telephone: (903) 509-5000
Facsimile: (903) 509-5092

*Attorneys for Defendants Amazon.com,
Inc. and PayPal, Inc.*

*Attorneys for Plaintiffs, RPost Holdings, Inc.
RPost International Limited, and RMail
Limited in 2:11-cv-6, 2:11-cv-16, 2:11-cv-64*

*Attorneys for Plaintiffs, RPost Holdings, Inc.
RPost Communications Limited, and RMail
Limited in 2:11-cv-299, 2:11-cv-300, 2:11-cv-
325*

/s/ Lewis E. Hudnell, III

Winston O. Huff,
State Bar No. 24068745
Navarro Huff PLLC
302 N. Market, Suite 450
Dallas, Texas 75202
214.749.1220 (Firm)
214.749.1223 (Fax)
whuff@navarrohuff.com

Lewis E. Hudnell, III
Colvin Hudnell LLP
375 Park Avenue Suite 2607
New York, New York 10152
Tel: 347.855.4772
Fax: 347.772.3034
lewis@colvinhudnell.com

*Attorneys for Defendant,
Readnotify.com Pty Ltd.*

/s/ J. Pat Heptig

J. Pat Heptig
pheptig@heptiglaw.com
Heptig Law Group, Ltd.
1700 Pacific Ave., Suite 2650
Dallas, Texas 75201
Tel: 214-451-2154

Defendant Chris Drake for Himself, pro se
/s/ Christopher Drake

Mr. Christopher Drake
christopher@pobox.com
8 Masthead Quay
Noosaville, QLD 4566
AUSTRALIA

*Attorneys for Defendant
Zix Corporation*

/s/ David M. Barkan

Melissa Richards Smith
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, Texas 75670
Tel: 903-934-8450
Fax: 903-934-9257
melissa@gillamsmithlaw.com

OF COUNSEL:
David M Barkan
Fish & Richardson - Redwood City
500 Arguello St
Suite 500
Redwood City, CA 94063
Tel: 650-839-5070
Fax: 650-839-5071
barkan@fr.com

Roger A Denning
Scott A. Penner
Fish & Richardson - San Diego
12390 El Camino Real
San Diego, CA 92130
Tel: 858-678-5070
Fax: 858-678-5099
denning@fr.com

Attorneys for Defendant DocuSign, Inc.

/s/ David A. Lowe

David A. Lowe, Esq.
Lowe Graham Jones PLLC
701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
T: 206.381.3300
F: 206.381.3301
Email: lowe@lowegrahamjones.com

Jose C. Villarreal, Esq.
Wilson Sonsini Goodrich & Rosati PC
900 South Capital of Texas Highway
Las Cimas IV, Fifth Floor
Austin, Texas 78746
T: 512.338.5400
F: 512.338.5499
Email: jvillarreal@wsrg.com

*Attorneys for Defendant Right Signature, LLC,
/s/ Arnold S. Weintraub*

Arnold S. Weintraub
The Weintraub Group, P.L.C.
28580 Orchard Lake Road, Ste. 140
Farmington Hills, Michigan 48334
T: 248-865-9430
F: 248-856-9436
a.weintraub@weintraubgroup.com

*Attorneys for Defendants Farmers Insurance
Company, Inc. and Farmers Group, Inc.*

/s/ David D. Bahler

David D. Bahler (State Bar No. 01513100)
Fulbright & Jaworski LLP
98 San Jacinto Boulevard, Ste. 1100
Austin, Texas 78701
T: 512-536-3005
F: 512-536-4598
dbahler@fulbright.com

*Attorneys for Adobe Systems Incorporated and
Echosign, Inc.
/s/ Andrew P. Valentine*

Andrew P. Valentine
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, California 94303
t: 650.833.2000
f: 650.833.2001
andrew.valentine@dlapiper.com

CERTIFICATE OF CONFERENCE

I certify that I have conferred with all counsel and unrepresented parties of record regarding this Joint Motion and all have indicated to me that they have no opposition.

/s/ Lewis E. Hudnell, III
Lewis E. Hudnell, III

CERTIFICATE OF SERVICE

The undersigned certifies that counsel and unrepresented parties of record who are deemed to have consented to electronic service are being served with a copy of this Joint Motion for Page Extension for Claim Construction Briefing, via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 20th day of December, 2012.

/s/ Lewis E. Hudnell, III
Lewis E. Hudnell, III